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Message Text

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70
ACTION L-03

INFO OCT-01 ARA-16 ISO-00 SCA-01 JUSE-00 VO-03 RSC-01

DRC-01 /026 W
---------- 046390
R 191900Z DEC 73
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 4723

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E.O. 11652: N/A
TAGS: SMAR, PFOR, AR
SUBJ: EXTRADITION - ARGENTINE EXPERT

REF: STATE 241011

1. EMBASSY OFFICER DISCUSSED QUESTION IN REFTEL WITH TOMAS BOYWITT. BOYWITT STATED HE BELIEVES THAT GOA COURTS WOULD ENTERTAIN A NEW EXTRADITION REQUEST AGAINST RUSSO IF ANOTHER INDICTMENT CONTAINING NEW CHARGES OR NEW EVIDENCE WERE PRESENTED TO IT. BOYWITT STATED FURTHER THAT WITHOUT RETENTION OF LOCAL COUNSEL THERE WOULD BE LITTLE IF ANY CHANCE OF SUCCESS IN ANY EXTRADITION CASES.

2. COMMENTING IN GENERAL ABOUT THE 1972 TREATY, BOYWITT NOTED THAT EXTRADITION REQUESTS BASED ON CONSPIRACY FACE ROUGH SLEDDING DUE TO TRANSLATION AND LEGAL INTERPRETATION PROBLEMS. SPECIFICALLY, THE ENGLISH TEXT OF THE PENULTIMATE PARAGRAPH OF ARTICLE 2 USES THE WORD "CONSPIRACY" WHILE THE SPANISH TEXT USES THE WORDS "ASOCIACION ILLEGAL", WHICH IN THE ARGENTINE COURTS HAS THE SENSE OF "CONSORTING WITH KNOWN CRIMINALS". BOYWITT BELIEVES THAT ONLY BY TREATY AMENDMENT PRECISELY DEFINING THE TERM "CONSPIRACY" CAN THIS STUMBLING BLOCK BE COMPLETELY ELIMINATED.

3. CONCERNING THE USE OF A LOCAL ATTORNEY, BOYWITT STATED THAT UNDER THE ARGENTINE LEGAL SYSTEM THE ATTORNEY ASSIGNED
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TO ASSIST THE USG WOULD BE AN EMPLOYEE OF THE COURT, NOT THE

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MINISTRY OF JUSTICE. PRACTICE HAS SHOWN THAT THESE ATTORNEYS, WHOSE HOPE AND, MORE IMPORTANTLY, OPPORTUNITIES FOR PROMOTION LIE IN NOT ROCKING THE BOAT, ARE SIMPLY UNWILLING TO PRESS ANY CASE WITH VIGOR WHILE AN OUTSIDE ATTORNEY HAS NO SUCH INHIBITIONS. HOWEVER, HE STATED AN OUTSIDE ATTORNEY NEED NOT OFFICIALLY REPRESENT THE USG BUT COULD SERVE, IF NEED BE, AS AN "ADVISOR" TO AN EMBASSY OFFICER WHO WOULD BE THE OFFICIAL REPRESENTATIVE.
KREBS

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Disposition Authority: golinofr
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